

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMIRO HERNANDEZ TZIQUIN,

Defendant.

8:23CR58

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture (Filing No. 89). The Court has reviewed the record in this case and being duly advised in the premises, finds as follows:

1. On July 19, 2024, the Court held a change of plea hearing for Defendant and Defendant entered a plea of guilty to Count I and admitted to the Forfeiture Allegation of the Information. The plea was accepted (Filing No. 85). In his signed Petition to Enter a Plea of Guilty, specifically Question No. 17, Defendant indicated that he would be forfeiting property to the United States as a result of his plea (Filing No. 88).

2. Count I of the Information charged the Defendant with violating the Bald and Golden Eagle Protection Act, in violation of 16 U.S.C. § 668(a) and 18 U.S.C. § 2.

3. The Forfeiture Allegation of the Information sought forfeiture of:

- a. One (1) bald eagle (*Haliaeetus leucocephalus*) carcass and all parts thereof;
- b. Crosman F4 Model CF47SXS .177 caliber pump-action air rifle, with black synthetic stock and 4X32 optical scope;
- c. Pietro Beretta Model 84FS .177 caliber CO2-powered air pistol; and
- d. Package of .177 caliber pellets.

4. Pursuant to Defendant's plea of guilty, the Defendant also agreed to forfeit his interest in the subject Property. Accordingly, the United States should be entitled to possession of said Property pursuant to 21 U.S.C. § 853.

5. The Government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The Government's Motion for Preliminary Order of Forfeiture (Filing No. 89) is granted.

2. Based upon the Forfeiture Allegation of the Information and the plea of guilty, the Government is hereby authorized to seize the Property.

3. Defendant's interest in the Property is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

4. The Property is to be held by the Government in its secure custody and control.

5. Pursuant to 21 U.S.C. § 853(n)(1), the Government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the Government's intent to dispose of the Property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the Property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the Property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the

Petitioner's right, title, or interest in the Property and any additional facts supporting the Petitioner's claim and the relief sought.

7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the Property as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 22nd day of July, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Michael D. Nelson", written over a horizontal line.

MICHAEL D. NELSON
United States Magistrate Judge